should be the aim of every Government servant to see that the expenditure incurred was brought to a minimum and the convenience of the public under that minimum expense was brought up to the maximum. The Member bewailed that, though the pay of the officials in Travancore was almost equal to that obtaining in the Madras Presidency, their efficiency was very low.

He then dealt with what he called the mystery of execution proceedings. Many of the officers themselves did not understand that mystery. They entirely depended upon the execution clerks who were all in all in that section of the office. If a clerk secured the execution clerk's place, his fortune was made. The Member said that he was of opinion that, when the Government undertook to collect the dues of a certain person receiving a fee for doing so, they were bound to complete the contract on their part without any additional payment, that when the plaintiff obtained a decree against the defendant in a suit, the Government as per previous contract were bound to collect the amount from the defendant and pay it to the plaintiff without any additional cost, and that receiving a fee separately for executing the decree was therefore against the original contract. The Government could collect the decree amount without incurring any additional expense through the existing agency of the Revenue authorities, *i. e.*, through the *pakuthi* officers, as they were doing now in the matter of the collection of their land revenue. It was not difficult to accomplih this with the existing machinery, if one or two clerks were added to the establishs ment of the Proverthikar and the decree transferred to the Proverthikar, who should be made to collect the amount as part of the revenue, remit it to the taluk treasury and give information to the Court concerned. The Court should issue a cheque to the party concerned who might cash it at the treasury. This would reduce a good deal of worry to the public and expenditure to the Government.

In regard to Panchayat Courts the Member said that the system of conducting every business from serving summons up to execution through low-paid process servers was open to all the objections enumerated above, and suggested that these duties too might be performed by the *pakuthi* officer. He also stated that the system of hearing cases only by a minimum bench of three judges worked great hardship on the public, since on almost all days the quorum was not formed and the public had to go away disappointed. To remedy this defect he suggested that, if one of the judges happened to be a retired judicial officer, he ought to be permitted to dispose of the cases sitting alone, if there was no quorum, until the people learnt more responsibility and did their work without unwillingness. The President of the Court should also be given control over the other judges in the matter of attendance, and the proposal to bring into existence Village Panchayat Courts should be expedited so that the litigant public might be benefited and litigation reduced.

He added that the vakils in this State contributed their quota to the delay in the disposal of suits without knowing that thereby their income decreased, and hoped that they would realise the danger of prolonging and creating litigation and try their best in the public interest to bring down the duration of suits.

29. Administration of Civil Justice, with special reference to the difficulties experienced by the litigant public on account of the working of the new Civil Courts' Guide.

Mr. R. Raman Pillai (Member, Quilon Taluk) said that, in spite of repeated representations on the defects of the administration of civil justice, nothing substantial had so far been done either by the High Court or by the Government to remedy those defects. He mentioned that various difficulties were being experienced by the people owing to the absence of definite statutory provisions on matters of contract, transfer of property and evidence, and remarked that recent criticisms in the newspapers and the Travancore Law Journal about civil administration in general, and the High Court in particular, should convince the High Court that the public were not satisfied with their doings. The Member stated that one of the chief complaints against the High Court was that there was no consistency in their decisions and as an instance he mentioned that as many as four conflicting decisions were passed by the High Court as regards Section 17 of the Nayar Regulation. Another complaint made by the Member was with respect to the daily increase of

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arrears both in the High Court and in the subordinate courts due to the method adopted in the matter of recruitment of judicial officers and the way in which Judges and Munsiffs disposed of their cases. He wanted the High Court to more carefully watch the working of the subordinate courts so that the arrears might be cleared soon. In regard to arrears in the High Court, he said that the two temporary Judges should be asked to clear off the arrears soon, the third bench being discontinued as early as possible.

The Member next spoke about the new *Civil Courts' Guide*. He said that the result of bringing the *Guide* into force was just the reverse of what was anticipated. The *Guide* was full of technicalities and formalities. He then observed that, if the resolution passed in the Council for suspending the *Guide* was accepted by the Government,he had no complaint.

The Member then began to criticise the new *Civil Courts' Guide* and observed that it had no legal force as it had not been published in the *Gazette*. He said that the failure to publish a Malayalam translation of the *Guide* was a serious defect in-as much as the people who had to transact business in Courts were mostly ignorant of English. Another defect was that the new rules incorporated in the *Guide* were inconsistent with the provisions of the Civil Procedure Code and also with one another. He then observed that, when the amending Civil Procedure Code now before the Legislative Council became law, the *Guide* would cease to have force in material points, and that, as such, it would be better to suspend its operation.

The Member said that the rule in the *Guide* relating to interlocutory applications was productive of much evil, for the definition of the term was susceptible of embracing any and every application presented to the Court. Rule 71 required an affidavit to be filed with such application. This, he remarked, was a hardship, as it was not certain what applications should be accompanied by an affidavit, and he urged for a specific rule in the matter. He also suggested that verification might well take the place of an affidavit. He then pointed out the difficulties parties would experience if the schedule in the case of refund of deposits was insisted upon. Section 73 was, according to the Member, unnecessary and the publication of a notice under Section 119 in advance of cases posted for hearing impracticable, so far as the subordinate courts were concerned. Rules 53 and 297 were contradictory, and Rule 83 which related to subsistence allowance was a source of every-day trouble: for the amount was left unsettled, the mileage and batta increased, and the minimum distance of 3 miles for which mileage could be claimed reduced to one mile. He further remarked that, in the preparation of decrees, the discretion to include or exclude the items of cost under adjournments had given rise to corruption and suggested that only such items as were allowed should be ordered to be included in costs. Rule 126 was inconsistent with Rule 462 and Rule 248 with Rule 862. The Member said that he could not understand on what principle or standard the persons eligible for attesting an affidavit were chosen under Rule 88 by which the members of the Assembly who paid a land tax of Rs. 50 were excluded, while the Council Members who paid only Rs. 5 as land tax were treated as qualified. Further, the judges of the Village Panchayat Courts, most of whom were persons of no qualification, were considered to be eligible, whereas graduates in arts and law and vakils were considered ineligible. He remarked that the affidavit itself was unnecessary, and that in case it was thought necessary graduates in arts and law, vakils and Assembly members should be authorised to attest affidavits. Under Rule 861, if the judgment debtor under arrest paid his money to the process-server, the liability ceased to exist but the foot note to the Rule contradicted this and provided that nothing short of payment into the treasury under a *chellan* signed by the head ministerial officer would secure absolute discharge.

The Member then spoke about the difficulties people experienced for want of amp papers of the value of Re. 1 and above. Finally, he complained that in the case of small causes no vakils' fee was included, unless special mention was made of it in the judgment, and prayed for the necessary remedy.

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